

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CHIMNEY INVESTMENTS, LTD.,

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Plaintiff,

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V.

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CIVIL ACTION NO. 4:14cv-01664

**AMERICAN DRIVELINE CENTERS,
INC., JEFFREY YOE, and SCOTT
AQUINO**

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Defendants.

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STATEMENT IN REMOVED CASES

1. The date(s) on which defendant(s) or their representative(s) first received a copy of the summons and complaint in the removed state court action. If different, the date on which each defendant was served with a copy of the summons and complaint.

Defendant American Driveline Centers, Inc. was served with process on May 16, 2014. It had not previously received a copy of the citation and petition.

2. In actions removed pursuant to the court's diversity jurisdiction, list the citizenship of all parties (including the citizenship of each member of a partnership or other type of business association). Specifically identify whether any defendants who have been served are citizens of Texas.

Chimney Investments, Ltd.	Texas
American Driveline Centers, Inc.	Pennsylvania (state of incorporation & state where principal place of business is located)¹
Jeffrey Yoe	Oklahoma
Scott Aquino	Oklahoma

Defendants are not citizens of Texas.

3. In actions removed based on diversity jurisdiction, the amount alleged to be in controversy and the basis for this amount.

¹Pursuant to 28 U.S.C. § 1332(c)(1), the citizenship of a corporation is determined to include (1) every U.S. state and foreign state where it is incorporated; and (2) the U.S. state or foreign state where it has its principal place of business. 28 U.S.C. § 1332(c)(1) (2014).

According to Plaintiff's petition filed in the State Court Action, Plaintiff seeks more than \$200,000 but not in excess of \$1,000,000 in damages.

4. In actions removed based on diversity jurisdiction pending more than one year in state court, specify why the case should not be summarily remanded.

Not applicable.

5. Identify any defendant that did not join in the notice of removal and explain why.

Not applicable; counsel for the other two Defendants signed a Notice of Consent to Removal which was filed on June 13, 2014 as Exhibit E to the Notice of Removal.

Respectfully submitted,

CHERRY PETERSEN LANDRY ALBERT LLP

By: /s/ Craig A. Albert

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**ATTORNEYS FOR DEFENDANT
AMERICAN DRIVELINE CENTERS, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2014, I electronically filed the foregoing document with the Clerk of Court for the U.S. District Court, Southern District of Texas, using the CM/ECF system of the Court.

/s/ Craig A. Albert
Craig A. Albert